RAJYA SABHA

Friday, 12th August 1994 / 21st Sravana 1916 (Saka)

The House met at eleven of the clock, The Vice-Chairman (SHRI V. NARAYANASAMY) *in the Chair.*

ORAL ANSWERS TO QUESTIONS

**281 [The Questioners (Dr. Bapu Kaldate and Shrimati Kamala Sinha) were absent. For answer see* vide *col. 24 infra.]*

**282 [The Questioner (Shri Ashok Mitra) was absent. For answer see* vide *col. 25 infra.]*

Amendments to Urban Land (Ceiling & Regulation) Act

*283. SHRI P. UPENDRA:†
SHRI CHIMANBHAI MEHTA:

Will the Minister of URBAN DEVELOPMENT be pleased to state:

(a) whether Government have given up the projected amendments to the Urban Land (Ceiling and Regulation) Act;

(b) if not, what are the impediments in submission of the same to Parliament; and

(c) whether it is a fact that some State Governments have developed vested interests in the continuation of the Urban Land (Ceiling and Regulation) Act?

THE MINISTER OF URBAN DEVELOPMENT (SHRIMATI SHEILA KAUL): (a) and (b): No, Sir. The question of amendment to the Urban Land (Ceiling and Regulation) Act, 1976 is under active consideration of Government. Specific proposals in this regard will be brought before Parliament after completing the following procedure:

1. finalisation of the proposals in consultation with the concerned Central Ministries;
2. approval of the proposals by the Cabinet;
3. passing of a resolution as per Article 252(2) of the Constitution of India by the Legislatures of at leat 2 States, empowering the Central Government to amend the Act;
4. drafting of the Bill.

(c) No, Sir.

SHRI P. UPENDRA: Sir, the answer given by the hon. Minister is very unsatisfactory. She explained only the procedure followed for amendment. Everybody knows that the Cabinet has to approve, that a resolution has to be passed and all that. She has not indicated anything about the Government's thinking in this regard.

We know that this Act was enacted in 1976 because there was a clamour, there was a demand and there was a grievance that land-ceilings were applied only to rural areas and that urban properties were being spared. In that spirit, this Act was enacted, but, unfortunately, it was not implemented properly. As it appears, there is no will also on the part of the State Governments to implement it.

As per my information, if you take the all-India figure, only 1 per cent of the available surplus land has been acquired by the State Governments, and if you take individual States, it ranges between 1 and 6 per cent. And no State Government is acting. There is an artificial shortage of land in the urban areas though plenty of land is available. As a result, the real estate prices have gone up in all the cities. Fantastic prices are being quoted now. A lot of black money is going into this business also. I would like to know how many States have acquired the surplus land under this Act and what is the quantity of land/which they have

†The Question was actually asked on the floor of the House by Shri P. Upendra.

acquired so far and which States have not taken action. Will the Minister elucidate?

SHRIMATI SHEILA KAUL: I think the hon. Member wants to know about the progress or the implementation of the Urban Land Ceiling Act in different States.

In Andhra Pradesh the number of cases of excess vacant land received so far is 37,442 and the number scrutinised is 33,175 and the number of cases finally disposed of is 29,509. The estimate of excess vacant land after scrutiny is 13,364.37 hectares and the excess of vacant land acquired so far is 33,682 hectares. The vacant land physically acquired by the State is 1,777 hectares. I just want to inform the House that...

SHRI P. UPENDRA: Sir, she need not go into the details about the States. What is the total land acquired by the States, all taken together?

SHRIMATI SHEILA KAUL: The excess vacant land under the Act was estimated at 2,19,405 hectares i.e. nearly 2,20,000 hectares, out of which only 14,397 hectares should be acquired by the State Governments up to May 1994. The Government granted exemptions in 5,388 cases under Section 20. Section 20 pertains to undue hardships or public interest. Sir, 2,741 schemes were approved under section 21 of the Act providing 3,68,123 dwelling units on 4,545 hectares of land. Till April 1994, 1,277 schemes have been completed and 1,00,614 dwelling units have been constructed. That is really not very encouraging. Of course, it is believed that the Act has not been able to achieve its objectives.

SHRI P. UPENDRA: The Minister herself admits that the situation is very bad and not satisfactory. There are two alternatives before the Government — either to scrap this Act completely or to amend it. Now she says that the Act is likely to be amended and that the matter is before the Government and is going to the Cabinet. There was a proposal some time ago that the owner of the surplus land can surrender 30 per cent of that to the Government and he can keep 70 per cent of it and develop it according to his wish and give for housing according to the town planning rules, etc. There was an alternative proposal that he can develop this 30 per cent also on behalf of the Government and the Government would pay the development charges and later on, the Government will construct or allot the plots to the weaker sections and the middle classes. That was the proposal which was being discussed sometime ago when the amendment of the Act was contemplated. Is the Government thinking on those lines or what are the broad features of the proposed amendment? What is the present thinking? She need not say finally what is going to be approved by the Cabinet. But, at least she can indicate the present thinking of Government. What is the Government going to do in this respect?

SHRIMATI SHEILA KAUL: Mr. Vice-Chairman, Sir. the Government will be reviewing the Act because we have learnt that people are facing undue hardships. The people have written to us that they are facing undue hardship due to this Act. So, we are contemplating to review the Act. As has been mentioned in my main reply, the Urban Land (Ceiling and Regulation) Act is a Central Act. Under article 252 (2) of the Constitution of India, this Act can be repealed or amended if the Legislatures of at least 2 States pass a resolution empowering the Central Government to amend the Act.

SHRI P. UPENDRA: Mr. Vice-Chairman, that is all right. She is explaining about the procedure. We do not want to know about the procedure. What is the current thinking of the Government?

SHRIMATI SHEILA KAUL: As I said in the beginning, we are going to review the Act.

SHRI P. UPENDRA: What is the current thinking of the Government? You can indicate broadly, "This is not the final thing. These are the lines on which we are thinking of amending the Act."

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The hon. Minister has said that the matter is pending before the Cabinet. She said that they are going to review it.

SHRI JAGESH DESAI: Mr. Vice-Chairman, it is not appropriate to indicate the thinking of the Government in the public interest because the price of land will go up.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): That is right.

SHRI CHIMANBHAI MEHTA: Mr. Vice-Chairman, Sir, for the last three years I have been putting this question: Whether the Government is proposing to review or amend or repeal the Urban Land (Ceiling and Regulation) Act. They say, "It is under the active consideration of the Government." For the first time, this question came as a Starred Question; otherwise the usual reply was, "It is under the active consideration of the Government." I do not know whether they are going to advance elections. In that case, we will not have a chance at all either to review or repeal or amend the Act.

As the Minister stated, under article 252 (2) of the Constitution of India, at least two State Legislatures have to pass a resolution empowering the Central Government to amend the Act. Now, the Congress party is ruling several States in the country. I do not know what will happen tomorrow. In that case, why don't they advice their State Governments to pass a resolution in their Legislatures to empower the Central Goverment to amend the Act? In spite of your saying that the Act has not achieved its objective, they have not approached you to amend the Act because the State Governments have vested interests. The NOC is being issued by them by getting hundreds of crores of rupees. Therefore, no State Government has come forward in spite of the hardship being faced by the poor people. Therefore, my question is, as a Central Ministry whether you would request the State Governments to pass a resolution under article 252(2) empowering you to review or repeal or amend the Act before the end of this year so that it is not delayed further.

SHRIMATI SHEILA KAUL: Mr. Vice-Chairman, as I said earlier, under article 252(2), at least, two State Legislatures have to pass a resolution empowering us to amend or repeal or review the Act. The hon. Member has also mentioned about this. If we impose our will on the State Governments, I do not think that anybody would appreciate it. In a democratic set-up, it is the will of the people that counts more than anything else. It is true that some of the State Governments are with the Central Government on this matter. I expect every State to be like that. There is a hue and cry that the Congress party is ruling in several States and we should request them to pass a resolution to this effect. How can the Central Government impose its will on the State Governments? The State Governments can do it at their own will.

SHRI P. UPENDRA: How could the Minister say that the Act is being reviewed, amended and is before the Cabinet? At whose request it is being done? Which States have asked for this to be done? *(Interruptions.)*

SMT. SHEILA KAUL: I have said that we are going to review this when the things come from there. You have not followed my reply. I have said that when the things come from there we will review it.

SHRI CHIMANBHAI MEHTA: Why have the States not moved at all in this respect? *(Interruptions.)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): The Minister has already answered that question. She has said, "We cannot impose it on the State Governments." Mr. Jagesh Desai.

SHRI JAGESH DESAI: Mr. Vice-Chairman, Sir, the aim of this Act was that the poorer sections and the lower middle class of the society should get some kind of shelter. Shelter to the poor is a basic requirement of the country. I am sorry to look at the figures given. Under section 21, only three lakh units have been constructed in the last 20 years. I would like to know the composition of these tenements. Have they gone to the poorer sections of the people or the lower middle class? Or is it the builders who have minted money out of them? If the Urban Land Ceiling Act was implemented in the spirit in which it was enacted, I think this should not be the situation. Under the Urban Land Ceiling Act, the price given to the land-holder was Rs. 10/- per square metre and the maximum amount to be given, irrespective of the extent of land held, whether it was one lakh yards or more, was Rs. Two lakhs; that too, by way of instalments. This is one of the reasons why this Act is not properly implemented. When you review the Act, kindly see that whatever anomalies, difficulties, are there are removed and the surplus land is acquired. If 30 per cent is to be retained by the

Government, as Upendraji has said, and 70 per cent is to be given out, it will defeat the purpose. It should be like this. You give 20 per cent of the land to the land-holder. On the remaining 80 per cent, tenements are to be built only of the size of 300-350 square feet—one room and one small kitchen. They only this problem can be solved. I would like to know from the hon. Minister whether the Government will look into it. When I was the Minister in the Maharashtra Government, we had a scheme. Unfortunately, we lost the elections and the subsequent Government did not do anything further on that. This is the situation in Bombay. *(Interruptions.)*

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Kindly conclude.

SHRI JAGESH DESAI: I would like to give you the picture in Bombay. In Bombay, today, the price is Rs. 3,000/- per square foot of built area. Who can buy this? Whatever surplus land is avail- able, if the land-holders can develop it, well and good; otherwise, give it to the Housing Boards, the HUDCO or even the LIC and the others who have enough funds. I would like to know whether the Government will consider this when they are going to review the Act.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Please allow the Minister to answer.

SHRI P. UPENDRA: Sir, the suggestion about retaining 30 per cent is not mine. That was the proposal sent by the Urban Development Ministry to the Law Ministry.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Mr. Upendra, please let the Minister reply.

SMT. SHEILA KAUL: Sir, Mr. Desai, as you know, is a very knowledgeable man because he had been the Minister of Urban Development in the Maharashtra Government. And when this Act was brought in, he was the Urban Development Minister in Maharashtra. What he says is quite right. The ceiling limit prescribed under this Act was not very satisfactory. That is why we have said that we want to give a practical shape to what sould be done so that people feel happy. For instance, the rate of compensation for the maximum limit was not exceeding Rs. 10/- per square metre. In respect of land, there are four categories — A, B, C and D. The compensation would be not exceeding Rs. 10/- per square metre under urban agglomeration categories A and B and Rs. 5/- per square metre in respect of categories C and D, subject to the maximum of Rs. Two lakhs. Your land may be of any value but they would not be paid more than Rs. two lakh. Now, we are going to do a bit of rethinking over this issue. As my hon. friend wants to know about it, I would like to inform him that we are going to review all these things.

THE VICE-CHAIRMAN (SHRI V. NARAYANASAMY): Madam, he asked one particular question about the three lakh units which have been constructed over the past 20 years. Why have they not done the additional construction now? That was his question. You can send the information to the hon. Member.

श्री सुशील कुमार संभाजीराव शिन्दे: महोदय, मैं माननीय मंत्री जी से यह पूछना चाहता हूं कि अरबन लैंड सीलिंग का ऐक्ट बना, जब अखिल भारतीय कांग्रेस समिति ने रूरल जो हमारे किसान है उन के पास काफी बड़ी-बड़ी जगहें थी, उस के लिए प्रथमत: रूरल लैंड पर सीलिंग लगाई, ऐग्रिक्लचरल लैंड पर, तो उस के बाद कांग्रेस ने सोचा कि हमारे देहातों में किसानों पर ही यह कष्टमय बात न हो जाए, इसलिए मुझे याद है कि कांग्रेस के सोशलिस्ट फारम जिसमें देसाई जी भी थे, के आग्रह पर उस समय यह निर्णय लिया गया था कि बड़ी बड़ी जमीनों वाले जो जमीदार शहरों में हैं उन की जमीनें पूंजीपतियों के पास कंसंट्रेट न हो जाए, और उसे गरीबों में बांटा जा सके, झुग्गी झोपड़ी में रहने वालों को दे दिया जाए, इसलिए यह कानून पास किया गया। लेकिन यह बात सही है कि बड़े लोग सारे ऐसे वहां पर अड़ेगे बैठे है जैसा जगेस देसाई जी कह रहे थे कि 10 परसेंट प्राइस देनी पड़ती है, और मंत्री जी ने बताया कि मैक्सिमम 2 लाख देनी पड़ती है। इसलिए बड़े ज़मींदार दो लाख रुपए लेने के लिए तैयार नहीं है। उसमें हजारों केसेज कोर्टों में पड़े हुए हैं। मैं इतना ही पूछूंगा कि कौन से कारण हैं कि जो कानून जमीन गरीबों को देने वाले हैं तो उस कानून को स्क्रेप करने का सवाल है, मैंने भी उस का समर्थन किया था जब मैंने हाउसिंग पालिसी पर संभाषण किया था कि ऐसी दिक्कतें हैं जिन को हमें देखना चाहिए और यदि उतनी कठिनाई होती है तो ऐसा कानून बनाना चाहिए।... (व्यवधान)

मेरा सवाल यह है कि ऐसा ऐक्ट बनाएंगे जो गरीब लोग हैं उन के लिए ही स्पैसिफिकली जमीन ऐलाट करने

का काम करे और जो भी कंपेंसेशन होता है सरकार उन के साथ बैठकर एक मार्ग निकाले? यह जो विचार मैंने रखा था इसमें हर स्टेट में लिटिगेशन में केसेज पड़े हुए हैं कोर्टों में पड़े हुए हैं। तो सरकार उस के ऊपर कार्यवाही करेगी कि जो नया कानून बने उसमें एक कमेटी बनाई जाए ताकि जो केसेज लिटिगेशन में पड़े हुए हैं उन को वहां से निकालकर जमीन गरीबों को मिल जाए। महाराष्ट्र में 10 परसेंट का कानून है लेंड सीलिंग ऐक्ट के सेक्शन 20 जो कि बड़ा कंप्लिकेटेड प्रश्न है। मैं इसीलिए पूछना चाहता हूं कि जितनी जमीनें कोर्टों में लिटिगेशन में है उन के लिए कोई स्पेशल प्राविजन करेंगे? क्या ऐक्ट में ऐसा प्रावधान करेंगे?

SHRIMATI SHEILA KAUL: Sir, all the suggestion made by the hon. Members are being taken note of by me and at the time of review, all these suggestions will be kept in mind.

श्री रामजीलाल: क्या शहरी विकास मंत्री यह बताने की कृपा करेंगी कि शहरी भूमि अधिकतम सीमा और विनियमन अधिनियम में संशोधन करने पर जो विचार किया जा रहा है यह कब तक पूरा हो जायेगा? जैसा अभी शिंदे साहब कह रहे थे मैं आपको कहूंगा कि ग्रामीण रूरल एरियाज की जो सीलिंग की बात थी वह तो हो गई है, लोगों को जमीन दे दी गई है लेकिन किसी गरीब आदमी के कब्जे में नहीं गई है इसकी ओर मंत्री जी ध्यान दें। मैं आपके द्वारा यह जानना चाहता हूं कि क्या जब यह प्रस्ताव आ जायेगा, यह बिल आ जायेगा तो पार्लियामेंट में अमेंडमेंट पास होने से क्या शहरों में जो कंजेशन है वह दूर हो जायेगा?

श्रीमती शीला कौल: यह जो तय किया है यह इसलिए किया है ताकि जो शहरों में आबादी बढ़ रही है वह घट जाए। हम शहरों में आबादी को घटाना चाहते हैं इसीलिए यह ला रहे हैं। इन्होंने जिक्र किया अरबन लेंड और रूरल लेंड का तो जो अरबन लेंड सीलिंग एक्ट है हम उसी पर ज्यादा ध्यान दिला रहे हैं। हमारा आब्जेक्टिव यह है कि ज्यादा से ज्यादा जमीन निकले और जो फालतू जमीन हो उस जमीन पर गरीब लोगों के लिए घर बन सके।

SHRI M. RAJASEKARA MURTHY: Sir, since the objective of the Urban Land (Ceiling and Regulation) Act is not served and since there are serious allegations of corrupt practices with regard to giving exemptions, leading to generation of black money, will the Government consider repealing the Act instead of amending the Act?

†The Question was actually asked on the floor of the House by Shri Chimanbhai Mehta.

SHRIMATI SHEILA KAUL: Sir, as I said, we have to review it, there is no question of repealing it.

*284. [*The Questioner (Shri H. Hanumanthappa) was absent. For answer see* vide *col.* 26-27 infra.]

*285. [*The Questioner (Shri Gopalsinh G. Solanki) was absent. For answer see* vide *col.* 27—30 infra.]

*286. [*The Questioners (Chaudhary Harmohan Singh and Shri Aas Mohmmad) were absent. For answer see* vide *col.* 31-32 infra.]

*287. [*The Questioners (Shri Som Pal and Dr. Naunihal Singh) were absent. For answer see* vide *col.* 32-33 infra.]

*288. [*The Questioners (Shri Aas Mohammad and Shri Kanaksinh Mangrola) were absent. For answer see* vide *col.* 33—35 infra.]

*289. [*The Questioners (Shri Ramchandran Pillai and Shri Dipankar Mukherjee) were absent. For answer see* vide *col.* 35-36 infra.]

Universities named after Personalities

*290. SHRI SHANKAR DAYAL SINGH:
SHRI CHIMANBHAI MEHTA:†

Will the Minister of HUMAN RESOURCE DEVELOPMENT be pleased to state:

(a) whether there are Central Universities named after historical personalities like J.N.U. named after Jawahar Lal Nehru;

(b) what are the names of such Universities and the foundation year of their establishment;

(c) whether any Central Universities exists in the name of Mahatma Gandhi or Sardar Patel; and

(d) if not, what are the reasons therefor?

THE DEPUTY MINISTER IN THE MINISTRY OF HUMAN RESOURCES DEVELOPMENT (DEPTT. OF EDUCATION AND DEPTT. OF CULTURE) (KUMARI SELJA): (a) Yes, Sir.

(b) There are two such Universities namely Jawahar Lal Nehru University established in 1969 and Indira Gandhi National Open University established in 1985.

(c) No, Sir.